



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 16, 2010

Jaye Valadez-Wilger
Freedom of Information Officer
St. Charles Police Department
2 State Avenue
St. Charles, IL 60174

Re: Pre-authorization request – 2010 PAC 9602

Dear Ms. Valadez-Wilger,

We have received the Department's notice of intention to redact information from a police report under Section 7(1)(c) of the Freedom of Information Act, (FOIA), 5 ILCS 140/1 *et seq.*, as amended. Specifically, Kelly Bradley filed a FOIA request for a copy of Report No. 1019919, which details [REDACTED]'s arrest for allegedly leaving the scene of an accident. The Department asserted that three sentences in the report contain medical information covered by the exemption in Section 7(1)(c).

Information in public records is exempt if disclosure would "constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). An "[u]nwarranted invasion of personal privacy" is the "disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

Determination

The Department's request to redact information as to a medical condition from the report is *approved*. We have determined that the disclosure of information about a subject's medical condition would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). Such information is highly personal, and the subject's right to privacy generally outweighs any legitimate public interest in disclosure. We have reviewed an un-redacted copy of Report No. 1019919 and concluded it contains information as to a medical condition. Therefore,

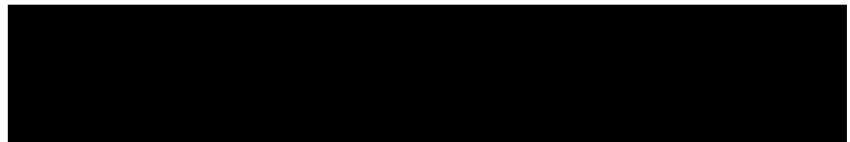
the Department should issue a partial denial letter and disclose the report after redacting the three sentences containing information as to a medical condition.

If you have any questions, please feel free to contact me at 312-814-6756 or ssilverman@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

By:



Assistant Public Access Counselor

cc: ~~Kelly Bradley~~
AMLI at St. Charles
100 Lakeside Drive
St. Charles, IL 60174

9602 pre-auth al 7(1)(c) med inf pd